

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

<p>ERIC CERVINI, WENDY DAVIS, DAVID GINS, and TIMOTHY HOLLOWAY, Plaintiffs, v. ELIAZAR CISNEROS, HANNAH CEH, RANDI CEH, STEVE CEH, KYLE KRUGER, JOEYLYNN MESAROS, ROBERT MESAROS, and DOLORES PARK, Defendants.</p>	<p>Civil Action No. 1:21-cv-00565-RP Hon. Robert Pitman</p>
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**NOTICE OF DISMISSAL OF DEFENDANT KYLE KRUGER**

The Court is hereby notified that Plaintiffs Eric Cervini, Wendy Davis, David Gins, and Timothy Holloway (“Plaintiffs”) have reached a settlement with Defendant Kyle Kruger, *pro se*. Pursuant to Federal Rule of Civil Procedure 41(a)(1)(i), Plaintiffs hereby provide the Court with notice of their voluntary dismissal with prejudice of all claims against Kyle Kruger in the above captioned action. As this notice of dismissal is filed before Defendant Kruger has answered or otherwise responded to Plaintiffs’ First Amended Complaint, Plaintiffs are entitled as a matter of right to dismissal following this notice to the Court. *See, e.g., Plains Growers By & Through Florists’ Mut. Ins. Co. v. Ickes-Braun Glasshouses, Inc.*, 474 F.2d 250, 255 (5th Cir. 1973) (Rule 41(a)(1) “permit[s] dismissal against such of the defendants as have not served an answer or motion for summary judgment, despite the fact that the case might remain pending against other defendants.”)).

Respectfully Submitted,

DATED: April 27, 2023

By: /s/ Cerin Lindgrensavage

**TEXAS CIVIL RIGHTS PROJECT**

Ashley Fernandez Dorsaneo (TX Bar No. 24127393)  
Christina M. Beeler (TX Bar No. 24096124)  
Sarah Xiyi Chen (CA Bar No. 325327) (*pro hac vice*)  
Veronikah Rhea Warms (TX Bar No. 24132682) (*pro hac vice*)  
Texas Civil Rights Project  
1405 Montopolis Drive  
Austin, Texas 78741  
Telephone: (512) 474-5073  
Facsimile: (512) 474-0726  
Email: [ashley@texascivilrightsproject.org](mailto:ashley@texascivilrightsproject.org)  
[christinab@texascivilrightsproject.org](mailto:christinab@texascivilrightsproject.org)  
[schen@texascivilrightsproject.org](mailto:schen@texascivilrightsproject.org)  
[veronikah@texascivilrightsproject.org](mailto:veronikah@texascivilrightsproject.org)

**THE PROTECT DEMOCRACY  
PROJECT, INC.**

John Paredes (NY Bar No. 5225412) (*pro hac vice*)  
Orion Danjuma (NY Bar No. 4942249) (*pro hac vice*)  
The Protect Democracy Project, Inc.  
115 Broadway, 5th Floor  
New York, NY 10006  
Telephone: (202) 579-4582  
Facsimile: (929) 777-8428  
[john.paredes@protectdemocracy.org](mailto:john.paredes@protectdemocracy.org)  
[orion.danjuma@protectdemocracy.org](mailto:orion.danjuma@protectdemocracy.org)

Cameron O. Kistler (DC Bar No. 1008922) (*pro hac vice*)  
Cerin Lindgrensavage (DC Bar No. 1741602) (*pro hac vice*)  
Jacek Pruski (DC Bar No. 888325144) (*pro hac vice*)  
Anne Harden Tindall (DC Bar No. 494607) (*pro hac vice*)  
The Protect Democracy Project, Inc.  
2020 Pennsylvania Ave. NW, Suite # 163  
Washington, D.C. 20006

Telephone: (202) 579-4582  
Facsimile: (929) 777-8428  
cameron.kistler@protectdemocracy.org  
cerin.lindgrensavage@protectdemocracy.org  
jacek.pruski@protectdemocracy.org  
anne.tindall@protectdemocracy.org

Benjamin L. Berwick (MA Bar No. 679207)  
(*pro hac vice*)  
The Protect Democracy Project, Inc.  
15 Main Street, Suite 312  
Watertown, MA 02472  
Telephone: (202) 579-4582  
Facsimile: (929) 777-8428  
ben.berwick@protectdemocracy.org

Jared Fletcher Davidson (LA Bar No.  
37093)  
(*pro hac vice*)  
The Protect Democracy Project, Inc.  
3014 Dauphine Street, Suite J  
New Orleans, LA 70117  
Telephone: (202) 579-4582  
Facsimile: (929) 777-8428  
jared.davidson@protectdemocracy.org

**WILLKIE FARR & GALLAGHER LLP**  
Michael Gottlieb (DC Bar No. 974960) (*pro  
hac vice*)  
Robert Meyer (DC Bar No. 405632) (*pro  
hac vice*)  
Samuel Hall (DC Bar No. 242110) (*pro hac  
vice*)  
Meryl Conant Governski (DC Bar No.  
1023549) (*pro hac vice*)  
JoAnna Suriani (DC Bar No. 1645212) (*pro  
hac vice*)  
Jamielah Yancey (DC Bar No. 1619055) (*pro hac  
vice*)  
Aaron E. Nathan (NY Bar No. 5478227) (*pro hac  
vice*)  
Willkie Farr & Gallagher LLP  
1875 K Street, N.W.  
Washington, D.C. 20006-1238  
Telephone: (202) 303-1000  
Facsimile: (202) 303-2000

Email: mgottlieb@willkie.com  
rmeyer@willkie.com  
shall@willkie.com  
mgovernski@willkie.com  
jsuriani@willkie.com  
jyancey@willkie.com  
anathan@willkie.com

Madeleine Tayer (NY Bar No. 5683545)  
(*pro hac vice*)  
Willkie Farr & Gallagher LLP  
787 Seventh Avenue  
New York, NY 10019  
Telephone: (212) 728-8000  
Facsimile: (212) 728-8111  
Email: mtayer@willkie.com

*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on April 27, 2023, a true and correct copy of the foregoing has been served on all counsel of record as well as *pro se* Defendants through the Electronic Case File System of the Western District of Texas in compliance with the Federal Rules of Civil Procedure, and by email as agreed upon by the parties.

DATED: April 27, 2023

Respectfully submitted,

/s/ Cerin Lindgren Savage